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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,526	07/01/2003	William D. Nemedi	27330/38942	4417

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EXAMINER

PAHNG, JASON Y

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,526	Applicant(s) NEMEDI, WILLIAM D.	
	Examiner Jason Y Pahng	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 36-43 is/are pending in the application.
 4a) Of the above claim(s) 31-35 and 44-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 13-30 and 36-43 is/are rejected.
- 7) ☐ Claim(s) 5, 7-12 and 36-38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the response on January 3, 2005 is acknowledged. The traversal is on the ground that Group I requires rotating the rotor in a direction opposite the first direction as required by Group II, as evidenced by claim 7.

However, this is incorrect because at least one claim (claim 1) of Group I does not require rotating the rotor in a direction opposite the first direction as required by claim 31 of Group II. Moreover, the additional search required for at least one claim in Group II is a prima facie burden.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claims 5, 7-12, and 36-38 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim depends on a multiple claim. See MPEP § 608.01(n). Accordingly, the claims 5, 7-12, and 36-38 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 22, 39, and 43/39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799). Willis discloses substantially all of the claimed structure including:

1. a bearing assembly (16) disposed on a fixed shaft (12; column 1, lines 5-6) attached to a frame (10);
2. a rotatable cylindrical shaped rotor (14) with a length less than the shaft length (Figure 3);
3. a plurality of spaced first shredder members (28) attached to and rotatable with the rotor (14)); and
4. a drive assembly (24).

However, Willis does not disclose a plurality of spaced second shredder members attached to the frame. In a closely related art, Brewer discloses a shredding apparatus with a plurality of spaced second shredder members (42) attached to the frame (28) in order to cooperate with the first shredder members (60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis with a shredding apparatus with a plurality of spaced second shredder members attached to the frame in order to cooperate with the first shredder members as taught by Brewer.

With regard to claim 43/39, Brewer's first shredder members (60) each comprise a shredder wheel having a plurality of spaced shredder arms extending outwardly from the wheel (Figures 4 and 8).

Claim 2-4, 13-18, 23-30, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799), further in view of Wada (US 5,680,999). Claims 2, 14, 24, 30, and 40 call for a diameter of a shaft to be reduced in size for a portion extending inwardly from each shaft end. In a closely related art, Wada discloses a shredder with a diameter of a shaft (1) to be reduced in size for a portion extending inwardly from each shaft end in order to seat a first bearing (3) and a second bearing (3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis (as modified by Brewer) with a diameter of a shaft to be reduced in size for a portion extending inwardly from each shaft end in order to seat a first bearing and a second bearing, as taught by Wada.

Claims 3, 4, 13, 23, 41, and 42 call for a first and a second seal members disposed inwardly of a shaft end. In a closely related art, Wada discloses a shredder with two seal members wherein a seal member is disposed inwardly of a shaft end in order to have a remaining shaft portion extend beyond the seal members (Figure 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis (as modified by Brewer) with a first and a second seal members disposed inwardly of a shaft end in order to have a remaining shaft portion

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extend beyond the seal members, as taught by Wada. With regard to claims 4, Wada's seal members are positioned at the ends of rotor (Figure 3).

With regard to claims 15, 26, 43/42, Brewer is applied as above with regard to claim 43/39.

With regard to claim 16, Brewer's second shredder members (42) each comprise a comb member having a first portion seated on a rotor but free from rotation with the rotor (22) and an arm attached to a frame (28). See Figure 8.

Claims 17 and 28 call for a comb arm to be keyed to a frame. In a closely related art, Brewer discloses a shredder with a comb arm (42) keyed to a frame (28) by connectors (43) in order to securely engage the comb arm to the frame. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis (as modified by Brewer and Wada) with a comb arm keyed to a frame in order to securely engage the comb arm to the frame, as taught by Brewer.

With regard to claims 18 and 27, Brewer's first comb portion has an opening for receipt of a rotor (Figures 4 and 8).

With regard to claim 25, Wada's bearings are located between the seals.

With regard to claim 29, Brewer's first shredder members are engaged with spacers (66).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799), further in view of Henreckson et al. (US 6,079,645). The claim calls for a dropout tray attached to a frame. In a closely related art, Henreckson discloses a dropout tray (20) attached to a frame in order to aid

removal of shredded material. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis (as modified by Brewer) with a dropout tray attached to a frame in order to aid removal of shredded material, as taught by Henreckson.

Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799) and Wada (US 5,680,999), further in view of Henreckson et al. (US 6,079,645). Claim 19 calls for a frame including a first sidewall, a second sidewall, a top wall, a drive assembly disposed in the space between the sidewalls. In a closely related art, Henreckson discloses a shredder with a frame including a first sidewall, a second sidewall, a top wall, a drive assembly disposed in the space between the sidewalls (Figure 1) in order to provide a cover or housing for the device. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Willis (as modified by Brewer and Wada) with a frame including a first sidewall, a second sidewall, a top wall, a drive assembly disposed in the space between the sidewalls in order to provide a cover or housing for the device, as taught by Henreckson.

With regard to claim 21, Henreckson is applied as above with regard to claim 6.

Claim 20/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799), in further view of Haberle (US 3,960,335). The claim calls for a spring means disposed on a rotor. In a closely related art, Haberle discloses a shredder with a spring means (70, 71) in order to compress a first and a second shredder members. Therefore, it would have been obvious to one

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skilled in the art at the time the invention was made to provide Willis (as modified by Brewer) with a spring means in order to compress a first and a second shredder members, as taught by Haberle.

Claim 20/13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willis (US 5,803,143) in view of Brewer (US 4,205,799) and Wada (US 5,680,999), in further view of Haberle (US 3,960,335). Haberle is applied as above with regard to claim 20/1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700